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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

-----X  
 AMUSEMENT INDUSTRY, INC., dba WESTLAND  
 INDUSTRIES; PRACTICAL FINANCE CO., INC.,

Plaintiffs,

-against-

: 07CV11586 (LAK)(GWG)  
 (ECF)

:

MOSES STERN, aka MARK STERN, JOSHUA SAFRIN,  
 FIRST REPUBLIC GROUP REALTY, LLC,  
 EPHRAIM FRENKEL,  
 LAND TITLE ASSOCIATES ESCROW,

Defendants.

: NOTICE OF MOTION TO  
 DISMISS AMENDED THIRD  
 : PARTY COMPLAINT AS  
 : AGAINST EPHRAIM  
 : FRENKEL AND LAND TITLE  
 ASSOCIATES ESCROW

-----X JOSHUA SAFRIN,

Defendant/Third Party-Crossclaim-  
 Counterclaim Plaintiff,

-against-

STEPHEN FRIEDMAN, STEVEN ALEVY, BUCHANAN  
 INGERSOLL & ROONEY, P.C., BANKERS CAPITAL  
 REALTY ADVISORS, LLC, and FIRST REPUBLIC  
 GROUP CORP.,

Third Party Defendants,

-and-

,

MOSES STERN, aka MARK STERN, FIRST REPUBLIC  
 GROUP REALTY LLC, EPHRAIM FRENKEL, and  
 LAND TITLE ASSOCIATES ESCROW,

Defendants/Crossclaim Defendants,

-and-

AMUSEMENT INDUSTRY, INC. dba WESTLAND  
 INDUSTRIES, PRACTICAL FINANCE CO., INC.

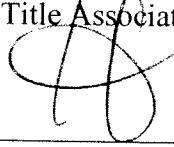
Plaintiffs/Counterclaim Defendants.

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**PLEASE TAKE NOTICE,** that upon the annexed Memorandum of Law in Support of Defendants Ephraim Frenkel and Land Title Associates Escrow's Motion to Dismiss the Claims Asserted Against Them in Safrin's Amended Third Party Complaint, Defendants/Cross-Claim Defendants Ephraim Frenkel and Land Title Associates Escrow will move this Court before the Honorable Lewis A. Kaplan, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, on submission or at such time as the Court may direct, for an order (a) striking or dismissing the Amended Third Party Complaint of defendant Joshua Safrin, pursuant to Rule 14(a) of the Federal Rules of Civil Procedure, for improperly asserting cross-claims in a Third Party Complaint, (b) dismissing Counts I and V – VIII pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted, and (c) for such other and further relief in favor of said Defendants as the Court deems appropriate.

Dated: New York, New York  
June 9, 2008

HOFFINGER STERN & ROSS, LLP  
Attorneys for Defendants/Cross-Claim  
Defendants Ephraim Frenkel and  
Land Title Associates Escrow



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By: Stephen R. Stern (SRS-5665)  
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